

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

JOHNNY TIPPINS,

Plaintiff,

Case No. 16-cv-10140

v

NWI-1 Inc. et al.,

Honorable Thomas L. Ludington  
Magistrate Judge Patricia T. Morris

Defendants.

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**ORDER DENYING MOTION FOR RECONSIDERATION**

Plaintiff Johnny Tippins, a prisoner proceeding *pro se*, initiated this action by filing suit against Defendants NWI-1, Inc., LePetomane II, Inc., LePetomane III, Inc., and Velsicol Chemical, LLC in Gratiot County Circuit Court on October 23, 2015. Plaintiff alleges that Defendants are responsible for injuries he suffered as a result of drinking contaminated water while incarcerated in a state prison in St. Louis, Michigan from 2004 to 2007. Because Plaintiff's action did not comply with the relevant statutes of limitations, his complaint was dismissed with prejudice on August 12, 2016. *See* ECF Nos. 30, 31.

On August 26, 2016 Plaintiff Tippins filed a motion for relief from judgment under Federal Rule of Civil Procedure 60(b) seeking to amend his complaint in order to assert a claim under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §§ 9601-75. *See* ECF No. 32. Because Tippins did not have standing to assert a CERCLA claim, and because even asserting such a claim would not remedy his statute of limitations issues, that motion was denied on October 3, 2016. *See* ECF No. 35. On October 25, 2016 Tippins filed a motion for reconsideration, again arguing that he should be permitted to amend his complaint to state a claim under CERCLA. Tippins's request for reconsideration did

not point out any palpable defect in the Court's previous orders, but merely restated arguments already raised and rejected by this Court. The motion for reconsideration was denied on that basis. ECF No. 37.

On November 28, 2016, Tippins filed a successive motion for reconsideration. ECF No. 42. The motion was denied in a text only order for the same reasons outlined in the previous order (ECF No. 37). Tippins appealed on November 16, 2016. ECF No. 39. On October 11, 2017, the Sixth Circuit affirmed the judgment. ECF No. 52.

Tippins then brought a second motion for relief from judgment and a motion for oral argument. ECF Nos. 55–56. Tippins made the same argument made in his first motion for relief from judgment (ECF No. 35), namely that he should be permitted to supplement his complaint to state a claim under CERCLA. The Court explained that Rule 60(b) motions “are not intended to give a party unsatisfied with an earlier ruling another chance to reargue issues already considered and decided.” *GEICO Indem. Co. v. Crawford*, 36 F. Supp. 3d 735, 739 (E.D. Ky. 2014). Accordingly, Tippins’ motion was denied on the same basis articulated in the Court’s previous order. ECF No. 58. Tippins filed a petition for a writ of certiorari, which was denied on October 2, 2018. ECF Nos. 60-61.

Tippins then filed a third motion for relief from judgment under rule 60(d)(1). ECF No. 62. That motion was denied on the same basis as the previous two, as he had identified no grave miscarriage of justice. ECF No. 65. He now seeks reconsideration of that order. ECF No. 67. His motion identifies no palpable defect, and will be denied for the same reasons identified in the Court’s previous five orders denying reconsideration and relief from judgment.

Accordingly, it is **ORDERED** that Plaintiff Tippins' motions for reconsideration, ECF No. 67, is **DENIED**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: March 1, 2019

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney of record herein by electronic means and to **Johnny Tippins** #342855, ALGER MAXIMUM CORRECTIONAL FACILITY, N6141 INDUSTRIAL PARK DRIVE, MUNISING, MI 49862 by first class U.S. mail on March 1, 2019.

s/Kelly Winslow  
KELLY WINSLOW, Case Manager